



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Applications of: Kemp *et al.*

1) U.S. Patent Application No. 09/590,692 filed June 9, 2000

For: Click based trading with intuitive grid display of market depth

Now U.S. Patent No. 6,772,132 issued August 3, 2004; and

2) U.S. Patent Application No. 09/894,637 filed June 27, 2001

**RECEIVED**

For: Click based trading with intuitive grid display of market depth

AUG 24 2006

Now U.S. Patent No. 6,766,304

issued July 20, 2004 **OFFICE OF PETITIONS**

**OFFICE OF THE SOLICITOR,  
UNITED STATES PATENT AND TRADEMARK OFFICE  
C/O KYRA ABRAHAM, (571) 273 0373  
P.O. BOX 1450,  
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**RECEIVED**

AUG 18 2006

**OFFICE OF PETITIONS**

**SUPPLEMENTAL PETITION TO RECONSTRUCT THE OFFICIAL FILES FOR  
U.S. PATENT APPLICATIONS NOS. 09/590,692 AND 09/894,637**

GL Trade Americas, Inc. (f/k/a GL Consultants, Inc. ("GL")) by and through its counsel filed a Petition to Reconstruct the Official Files with the Petitions Office (with a courtesy copy sent to the Solicitor's Office) on May 2, 2006. On or about July 21, 2006, the US Patent and Trademark Office ("Office") advised counsel for GL that it could not locate the Petition. On July 24, 2006 counsel for GL sent a copy to the Office by facsimile transmission to 571-273-8300 as evidenced by Exhibit A which is a copy of the July 24<sup>th</sup> facsimile confirmation sheet.

On August 7, 2006 counsel for GL spoke with a Customer Service Representative from the Petitions Office and on August 8, 2006 with Ms. Abraham of the Solicitor's

Office. Each of these Office employees stated that they could not find a record of the Office's receipt of either the May 2<sup>nd</sup> or the July 24<sup>th</sup> copies of the Petition.

Counsel for GL is therefore filing, and incorporating herein by reference, the original Petition to ensure that it is entered into the records of the Office, and submits certain additional communications between the Office and the applicants (and their representatives) that reflect interviews, amendments and other substantive discussions with the Office concerning the above-identified patent applications, but which communications are presently not in the Official file histories.

17) As stated in the original Petition, the attached documents memorialize the substantive discussions between the examiner and the applicant's representatives concerning the above-identified patent applications. To assist the Office's review of the attached documents, counsel for GL has described some of these documents:<sup>1</sup>

- a. TT0101828, an Interview Summary from October, 2001 with respect to Serial No. 09/590,692, conducted between Examiner Weisberger, one of the applicants, and two of the applicants' representatives. The Interview Summary reports that the applicants demonstrated Trading Technologies' Prior Art Software to Examiner Weisberger.
- b. TT 0099467, an email communication from May 14, 2002 from Examiner Weisberger informing applicants' representative that there was an "impediment to the allowance of" Serial No. 09/590,692.
- c. TT 0099493 - 94, an email communication from June 27, 2002 from Examiner Weisberger informing applicants' representative that he had

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<sup>1</sup> The discussion of the following documents is not intended to indicate that any of the documents not discussed are of a procedural nature, and thus should not be part of the official File Wrapper. See e.g., M.P.E.P. § 713.04.

found no new prior art concerning the subject matter claims in claims 22, 29 and 35 of Serial No. 09/590,692.

- d. TT 0099599, a July 3, 2002 Notice of Allowability faxed to the applicant with respect to Serial No. 09/590,692 initialed by Examiner Weisberger.
- e. TT 0099597, an Interview Summary of 18 September 2002 with respect to Serial No. 09/590,692 signed by Examiner Weisberger and faxed to applicant's representative. The Interview Summary states that the applicant's representatives conducted a demonstration of Trading Technologies Software. Additionally, the Interview Summary states that the Examiner and the applicants' representative agreed that certain language would be allowable.
- f. TT 0099532 - 33, an email communication from September 26, 2002 from Examiner Weisberger informing applicants' representative that the "second set of eyes [review of Serial No. 09/590,692] should be a perfunctory step . . ."
- g. TT 0099500, an email communication from October 1, 2002 from applicants' representative to Examiner Weisberger concerning "Interview Summaries and Reasons for Allowance" for Serial No. 09/590,692 which states, "I await to hear from you regarding the Interview Summaries and language for Reasons for Allowance. I think **the deal you proposed** during the Interviews was prompt Interview

Summaries in exchange for our submissions of Amendments.”

(Emphasis added).

- h. TT 0099495-96A an email communication from October 2, 2002 from Examiner Weisberger informing applicants' representative that “the reasons for allowance, as discussed, the contents thereof are not of record until the case has been reviewed. Reasons for allowance are generally not subject to negotiation . . .”
- i. TT 0099519 - 20, an email to applicant's representative from Examiner Weisberger on March 19, 2003 with respect to Serial No. 09/590,692 in which Examiner Weisberger proposes a new amendment to make the claims patentable.
- j. TT 0099617 – 37, a series of emails (and attachments) from applicant's representative S. Borsand to Examiner Weisberger on March 19 and 20, 2003 with respect to Serial No. 09/590,692 and 09/894,637 proposing amendments to the claims.
- k. TT 0099641-42, a series of emails between Examiner Weisberger and applicant's representative on March 20 and 21, 2003 in which amendments are proposed in both Serial No. 09/590,692 and 09/894,637 on March 20, 2003 at 4 PM, and Examiner Weisberger indicates his approval of the amendments on Friday, March 21, 2003 at 10:30 AM. Examiner Weisberger also asked for applicants' proposals for the Reasons for Allowance.

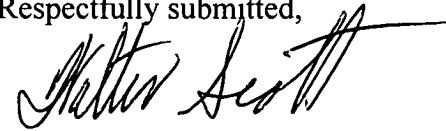
- l. TT 0099609-11, an email with an attachment from applicant's representative to Examiner Weisberger on March 21, 2003 at 5 PM forwarding applicant's proposed reasons for allowance for both Serial No. 09/590,692 and 09/894,637.
- m. TT 0099548, an email from applicant's representative to Examiner Weisberger on March 21, 2003 at 10 PM stating that the formal amendment had been faxed to the Office that evening and asking to see the official reasons for allowance and the interview summary before they are entered.<sup>2</sup>
- n. TT 0099514 - 33, an email communication from April 25, 2003 from Examiner Weisberger informing applicants' representative that he did not "foresee any issues [in the quality review of Serial No. 09/590,692] as [Weisberger is] co-editing [an newsletter] with the reviewer . . ."
- o. TT 0099551 – 55 is an email communication from May 27, 2003 from the applicants' representative forwarding to Examiner Weisberger lists of references that the applicants "would prefer to made of record" in, among applications, Serial No. 09/590,692 and 09/894,637.
- p. TT 0099516 is an email communication from January 13, 2004 from Examiner Weisberger forwarding to applicants' representative internal Office emails concerning removing a flag with respect to Serial No. 09/590,692 and/or 09/894,637.

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<sup>2</sup> Counsel for GL notes that the March 21, 2003 amendment entered in Serial No. 09/590,692 thanks Examiner Weisberger for entertaining an interview on the same day, but does not report the substance of that interview. Additionally, counsel for GL has not been able to find any Interview Summary for that date in the official file wrapper.

The Director is hereby authorized to charge any fees associated with this communication, including any petition fee, to Deposit Account No. 16-0605.

Respectfully submitted,



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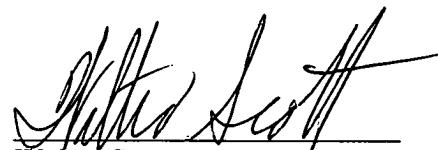
U.S.S.N. 09/590,692 & 09/894,637

**Certificate of Service**

It is certified that a copy of the Supplemental Petition to Reconstruct the Official Files for U.S. Patent Applications Nos. 09/590,692 and 09/894,637 has been served, by facsimile at (202) 672 5399, in its entirety on the attorneys of record for the above-identified applications. The name and address of the party served and the date of service are:

**FOLEY & LARDNER  
WASHINGTON HARBOUR  
3000 K STREET, N.W. SUITE 500  
WASHINGTON DC 20007-5143**

Date of Mailing: August 11, 2006



Walter Scott